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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Revision of the Commission's Rules) CC Docket No. 94-102
to ensure compatibility with) RM-8143
enhanced 911 emergency calling systems)

To: The Commission

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REPLY COMMENTS OF NEXTEL COMMUNICATIONS, INC.
ON CONSENSUS AGREEMENT BETWEEN WIRELESS INDUSTRY AND
PUBLIC SAFETY GROUPS

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Dated: March 11, 1996

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I. INTRODUCTION

Pursuant to Public Notice of the Federal Communications Commission ("Commission"), Nextel Communications, Inc. ("Nextel") respectfully submits these Reply Comments on the "Public Safety-Wireless Industry Consensus: Wireless Compatibility Issues" ("Consensus Agreement") in the above-referenced proceeding.^{1/}

On March 4, 1996, Nextel and approximately 15 other parties submitted comments on the Consensus Agreement. Most parties generally support the Consensus Agreement, with any disagreements relating to the specifics of implementation, including timing. Nextel files these Reply Comments to respond to specific issues which require further development and/or clarification before the Commission takes further action in this docket.

^{1/} Public Notice, "Commission Seeks Additional Comment In Wireless Enhanced 911 Rulemaking Proceeding Regarding 'Consensus Agreement' Between Wireless Industry Representatives And Public Safety Entities," DA 96-198, released February 16, 1996.

II. DISCUSSION

A. Implementation Of The Consensus Agreement Requires Significant Cooperation From Local Exchange Carriers

The Consensus Agreement is a compromise between the wireless telecommunications industry and a number of entities representing public safety groups. While this is an important step towards the provision of wireless enhanced 911 ("E911") capabilities, the Commission cannot evaluate the Consensus Agreement without considering the participation of Local Exchange Carriers ("LECs"). Because both wireless and wireline providers must use compatible signalling protocols to enable the transmission of E911 information, each LEC must adopt signalling protocols that are compatible with its interconnecting wireless carriers.

The burden of making wireless E911 services available, therefore, does not rest entirely on the wireless industry. The Commission must ensure that LECs are cooperative and can provide the necessary signalling protocols for wireless carriers to successfully fulfill their E911 obligations. If a LEC's system is not compatible with the interconnecting wireless carrier, then the Commission should not hold the wireless operator responsible for fulfilling the E911 obligations.

B. E911 Obligations, Including Those In The Consensus Agreement, Cannot Be Imposed On Traditional Specialized Mobile Radio Systems

Nextel reiterates its position herein that E911 obligations should not be imposed on traditional, analog Specialized Mobile Radio ("SMR") providers. These SMR systems are typically limited

to dispatch services and do not offer the "telephone type" services that customers expect to include E911 capabilities.

For the same reasons raised by Nextel, the American Mobile Telecommunications Association ("AMTA") also opposed the application of the Consensus Agreement to traditional SMRs.^{2/} While not disputing the importance of E911 services, AMTA pointed out that traditional SMRs have limited interconnect capability, their customers do not have the same usage patterns or needs as other wireless customers, their system configuration is not consistent with the proposals in the Consensus Agreement, and the cost of the technology to implement E911 on traditional SMRs would likely drive them out of business.^{3/} In light of the differences between traditional SMR services and other Commercial Mobile Radio Services ("CMRS"), the Commission should not impose E911 obligations on traditional SMR operators.

C. Cost Recovery

As noted by Vanguard Cellular Systems, Inc. ("Vanguard"), the Consensus Agreement appears to unnecessarily limit the cost recovery mechanism to Phase II E911 implementation only.^{4/} As Vanguard explains, some carriers have systems which are not yet sophisticated enough to achieve the Phase I standards without significant system upgrades. Therefore, Vanguard would apply the cost recovery mechanism to Phase I implementation as well.

^{2/} Comments of AMTA at pp. 4-7.

^{3/} *Id.*

^{4/} Comments of Vanguard at pp. 6-7.

Nextel agrees. There is no overriding public interest in requiring wireless carriers to shoulder the full cost of Phase I implementation system upgrades. Because these costs would be incurred to provide wireless E911 services to the public, the Commission should ensure that Phase I costs are recoverable in the same manner as Phase II costs.

D. The Provision Of E911 Should Be Limited To Those Jurisdictions That Request It.

Some commenters pointed out that not every Public Safety Answering Point ("PSAP") is equipped for or willing to take E911 wireless calls.^{5/} Nextel agrees that the provision of wireless E911 should be limited to those jurisdictions where the PSAP is already equipped or is willing to upgrade its system to receive wireless E911 calls. Consequently, the Commission should limit implementation of the Consensus Agreement obligations to those localities who specifically request E911 capability from wireless carriers.

E. Additional Performance Requirements

KSI, Inc. requests that the Commission include additional performance requirements in Phase II.^{6/} For example, KSI asks that Phase II include a location update requirement which would ensure that the PSAP is continuously updated as to the location of, for example, a mobile caller. While Nextel agrees that this would be desirable, Nextel also believes that there must be some

^{5/} Comments of Southwestern Bell Mobile Systems, Inc. at pp. 2-3; Comments of U.S. West at p. 5.

^{6/} Comments of KSI at pp. 4-5.

reasonable limitations on the extent of wireless E911 requirements. KSI seeks to impose every possible technological innovation at the risk of delaying or halting any E911 implementation. The Consensus Agreement is a compromise between the wireless industry and public safety entities. Requests such as KSI's would go beyond the compromise and attempt to impose too many technological, time and financial burdens on wireless providers, thereby potentially precluding or delaying the implementation of wireless E911 services.

III. CONCLUSION

Nextel continues to support the Consensus Agreement as a significant step toward implementation of E911 capabilities on wireless networks. However, application of the Consensus Agreement obligations should be limited as follows: (1) traditional, analog SMR service providers should not be required to provide E911 capabilities; (2) E911 should not be required unless the PSAP has requested it; and (3) E911 should not be required unless the participating LEC supports the transmission of the E911 signalling information using protocols compatible with affected wireless providers. Moreover, the cost of upgrading wireless systems to

provide the Phase I capabilities must be recoverable to the same extent Phase II costs are recoverable.

Respectfully submitted,

NEXTEL COMMUNICATIONS, INC.

A handwritten signature in black ink, appearing to read "Lawrence R. Krevor", is written over the printed name of Robert S. Foosaner.

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CERTIFICATE OF SERVICE

I, Rochelle L. Pearson, hereby certify that on this 11th day of March 1996, I caused a copy of the attached Reply Comments of Nextel Communications, Inc. to be served by hand delivery or first-class mail, postage prepaid to the following:

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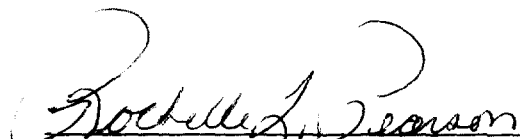
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